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Held at Headquarters, New York,
on Tuesday, 2 April 1991, at 3 p.m.

Chairman: Mr. POCAR

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of the United Kingdom of Great Britain and Northern Ireland (continued) (CCPR/C/58/Add.6 and Add.11 and Add.12)

1. At the invitation of the Chairman, Mr. Halliday, Mrs. Evans, Mr. Stock and Mr. Beamish (United Kingdom) took places at the Committee table.

2. The CHAIRMAN said that the United Kingdom delegation would proceed to answer questions held over from sections III and IV of the list of issues.

3. Mr. HALLIDAY (United Kingdom) said that the Northern Ireland Police and Criminal Evidence Act 1984 was not a temporary measure, but rather an integral part of British criminal law. In reply to a question by Mr. Lallah, he wished to clarify the relationship between ordinary criminal law and the laws relating to terrorism. It was the policy of the United Kingdom to deal with terrorism primarily by bringing ordinary criminal charges and following ordinary criminal procedure. The power of arrest and detention discussed under section III of the list of issues was contingent on the existence of a reasonable suspicion of terrorist involvement and was aimed at facilitating prosecution for ordinary criminal offences, such as murder, manslaughter or possession of explosives and firearms. In the absence of such evidence, the person under arrest must be released, or excluded or deported.

4. In reply to another question by Mr. Lallah, he said that judicial procedure could not be applied in reviewing detentions under the Prevention of Terrorism (Temporary Provisions) Act, particularly in cases where questioning extended beyond a 36-hour period. Revealing to a terrorist suspect that certain information was known could have serious implications and could jeopardize the lives of many individuals. Such difficulties did not arise in most cases falling under the Police and Criminal Evidence Act.

5. In reply to a question under section IV (b), he said that research was being carried out on the disproportionate number of ethnic minorities in the prison population. Provisional findings had not pointed to any clear-cut trend of criminal behaviour on the part of those minorities, or to any systematic discrimination on the part of the authorities. Rather, the factors at work seemed to be far more subtle.

6. If Parliament adopted the Criminal Justice Bill, the Government would be responsible for disseminating information annually with a view to preventing racial discrimination in the criminal justice system.

7. In reply to Mr. Mavrommatis' question concerning social inquiry reports, he said that failure to submit a social inquiry report should not have adverse

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consequences. Only if there were a finding of guilt would a full social inquiry report become necessary. The Criminal Justice Bill contained provisions for pre-sentence reports, which should help to avoid delays in court proceedings while social inquiry reports were being prepared.

8. More generally, guidance and training offered in all branches of the criminal justice system would build awareness of various risks of unconscious discrimination. Such training would accompany the implementation of the Criminal Justice Bill.

9. Referring to section IV (c), he said that legislation to ensure the equal treatment of males and females in matters of succession had not yet been enacted. It was still under review by a committee of the States of Jersey, but the draft had been prepared and was expected to be in force by the end of 1991.

10. The position on the voting rights of prisoners was aimed at maintaining good order and discipline in the prisons. It did not seem to be an unreasonable restriction in terms of the Covenant, but his delegation would certainly take note of the Committee's views.

11. The jurisdiction and the framework for non-discrimination and equality of the sexes included the establishment of a statutory law outlawing discriminatory practices. In addition to constituting a civil remedy, the law would establish a monitoring authority which would take up cases of alleged discrimination. The law would be enforced by the tribunals or courts, depending on the circumstances.

12. The report focused on England and Wales because the greatest incidence of racial discrimination occurred there. The policy described in paragraph 34 of the report related to the operational services - police, courts, prosecution, probation and prisons - and was a broad statement of principle on non-discrimination in the delivery of services. That statement was being followed up by specific action including special training and recruitment policies; attention to communication; and career advancement of ethnic minority staff. Codes of conduct outlawing discrimination existed for a number of professions, including the legal profession and probationary officers.

13. In addition, the Race Relations Act 1976 outlawed discrimination in employment and the provision of goods, facilities, services and premises. The Housing Act 1988 had been extended to include codes of practice, ensuring racial equality with respect to rented housing. The Local Government and Housing Act 1989 had extended that protection to all forms of housing. The Employment Act 1989 provided for special training geared to the needs of ethnic minorities in certain fields of employment where they were underrepresented.

14. The role of the Commission for Racial Equality was to conciliate, but where conciliation failed, it could support proceedings in court. He was unable to provide figures on the number of applications actually processed by the Commission, some of which might have been resolved through conciliation. However, the

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Commission was indeed having an impact in the United Kingdom, particularly with its recent finding that a serving police officer had suffered discrimination. In the United Kingdom a clear framework existed for taking action against discriminatory practices. Therefore, to say that ethnic minorities were unprotected in all walks of life was a grave overstatement. However, he agreed that any such public perception must be erased.

15. The Equal Opportunities Commission of Great Britain and Northern Ireland was responsible for reviewing and, as necessary, proposing changes in equal opportunity legislation. The Commission provided assistance to victims of alleged sex discrimination and, in certain cases, provided full legal support before the industrial tribunals or the high courts. In 1990, the Commission had provided financial assistance in 188 cases. Of the cases heard, 18 had been favourable; 39 had been settled; and 19 had been lost. In reply to a question by Mr. Lallah, certain issues in the case of Barber versus Guardian Royal Exchange might be clarified once the European Court of Human Rights had issued its ruling. In conclusion, there were no plans to introduce changes in the privileges enjoyed by the Church of England, which, in his delegation's view, were reasonable.

16. Mrs. EVANS (United Kingdom), referring to fair employment legislation in Northern Ireland, said that sections 17 and 18 of the Northern Ireland Constitution Act 1973 declared void certain subordinate instruments. Section 18 established procedures whereby the Secretary of State for Northern Ireland could refer questions concerning the nullity of subordinate legislation to a judicial committee of the Privy Council.

17. The Standing Advisory Committee on Human Rights was a statutory body established by section 20 of the Northern Ireland Constitution Act. Its purpose was to advise the Secretary of State on the adequacy of legislation for the prevention of discrimination on the grounds of religious beliefs and political opinion. The Fair Employment (Northern Ireland) Act 1989, which had superseded the Fair Employment Act 1976, required employers to register with the Commission, monitor the workforce and review recruitment, training and promotion practices. It outlawed indirect discrimination - whether intentional or unintentional - and represented a significant advance over the 1976 Act.

18. Under the 1989 Act, there were two review bodies for dealing with discrimination in employment: the Fair Employment Commission and the Fair Employment Tribunal. The Commission was empowered to hear and decide on individual cases of alleged discrimination; advise prospective complainants and, in certain instances, support them in proceedings. It was also empowered to award damages for financial loss, loss of opportunity and injury to feelings. It could recommend remedial action and increase compensation for failure to take such action. It also had the right of appeal before the court of appeal. Maximum compensation was £30,000 but an adjustment for inflation was being considered.

19. In reply to a question by Mr. Fodor, she said that the Tribunal could order employers to comply with instructions of the Fair Employment Commission within a

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certain time-frame, subject to penalties of up to £30,000 or referral to the high courts. The new Act had been in force for a short time only, but was being closely monitored. It would be formally reviewed in 1995.

20. Mr. STOCK (United Kingdom), replying to a question by Mr. Ando, said that in Hong Kong, the courts could apply customary law on succession in the New Territories. The existing customary law on the inheritance of communal land in the New Territories reflected an important element in village life. While that customary law treated women differently from men, he did not believe that it constituted discrimination under the Covenant and the proposed Hong Kong Bill of Rights Bill. In that context, he wished to note that customary law served to preserve the cultural life and moral values of the New Territories villages.

21. While priority had been accorded to the preparation of the Bill of Rights, that did not imply a lack of interest in the Convention on the Elimination of Discrimination against Women. If anything, the elaboration of the Bill of Rights had heightened awareness in Hong Kong of human rights issues, including women's rights. That understanding had also been enhanced by the Committee's comments in relation to article 26 of the Covenant. As a consequence a study was being conducted on the social, legal and economic obligations under the Convention on the Elimination of Discrimination against Women and its potential impact in Hong Kong.

Right to life (article 6 of the Covenant) (section V of the list of issues)

22. The CHAIRMAN read out section V of the list of issues concerning the third periodic report of the United Kingdom, regarding: (a) the circumstances and rules under which the military forces could take over police functions and the question of whether they could resort to the use of lethal weapons more freely than the police; and (b) the report by the Chief Inspector of Prisons for England and Wales on Suicide and Self-Harm in Prison Service Establishments in England and Wales of December 1990 and the measures undertaken in response to its findings.

23. Mr. HALLIDAY (United Kingdom) said that members of the armed forces were subject to the law as were other individuals. When summoned to support the civil authorities, they were present purely to assist as needed, and did not themselves possess police powers. Only that degree of force which was reasonable in the circumstances, traditionally interpreted as the minimum necessary, was permissible. Detailed instructions were provided on the use of firearms, indicating that they were to be used as a last resort where there was a threat to life and, where practicable, after due warning had been given. Members of the armed forces and the police could be prosecuted if they used firearms unlawfully.

24. The Government took the question of suicides and self-harm in prisons very seriously and was seeking to reduce the incidence of those phenomena, engendered by the shock of imprisonment, to a minimum. Specifically, induction procedures were being reviewed; steps were being taken to improve health care, including the use of psychiatrists in court proceedings to identify high-risk cases at an early stage; an effort was being made to improve staff awareness of the risk of suicide among

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the prison population; prison routine was being reordered to approximate more to outside life; a major construction programme was under way to address the problem of overcrowding and would result in the addition of some 25,000 new places by the mid-1990s; the remanding of juveniles into prison custody would be ended; and prisoners would be allowed greater freedom to communicate with the outside world by phone and in writing.

25. Mr. WENNERGREN, commenting on the reference in document CCPR/C/58/Add.11, paragraph 31, to the death penalty in Hong Kong, asked how many death sentences had been imposed in the past decade. In surveys much depended on how questions were phrased; thus the result of the January 1990 survey, which seemed to show that the population was in favour of retaining the death penalty, was open to question. It seemed in any event that there was no majority for retaining the death penalty, and the United Kingdom should consider abolishing the death penalty in Hong Kong before 1997.

26. Mr. AGUILAR expressed concern at the deaths among members of opposition groups in Northern Ireland, allegedly resulting from an official policy of using deadly force in response to the activities of armed groups in the province. There was evidence to suggest that such a policy existed, at least in some circles. It was a fact that the courts were often unable to conduct investigations because of a lack of cooperation, and that official investigations had actually been obstructed by the security forces, whose members had apparently been instructed to give false testimony. Amnesty International had documented 21 such cases, in all of which the accused had been acquitted or imprisoned for nominal terms. He wished to know whether steps were being taken to rectify that situation. It seemed that many suspects were killed rather than brought to trial. It should be noted that the relevant international norms called for the use of minimum force appropriate to the circumstances.

27. It would be interesting to know whether the Government intended to abolish the death penalty in dependent territories other than Hong Kong. He supported the view that the death penalty should be abolished in Hong Kong, before the territory reverted to the People's Republic of China in 1997, since the Government of that country had made liberal use of the death sentence.

28. Mr. MAVROMMATIS also called for the United Kingdom to abolish the death penalty in Hong Kong.

29. Mr. DIMITRIJEVIC asked whether the assumption of police functions by the armed forces was at the discretion of the police authorities or whether there was some specific regulation governing such situations. With regard to the death penalty, he shared the concerns expressed concerning the continued provision for the death penalty in Hong Kong, and called on the United Kingdom to adopt a uniform policy applicable to both its metropolitan territory and all its dependent territories.

30. Mr. WAKO, noting that the number of people who died in custody was on the increase in many parts of the world, welcomed the proposed implementation of reform

in that area in the United Kingdom. The question of suicide among young people in custody was of particular concern, and he welcomed the recommendation that juveniles should, as a minimum, be remanded in separate facilities.

31. With regard to the investigations of incidents involving the use of firearms by members of the police or armed forces mentioned in the report, he asked whether the individuals concerned had adhered strictly to the relevant regulations and whether any bias had been evident in the subsequent investigations. The report noted that disciplinary proceedings were possible in such circumstances, and he wished to know in how many instances such proceedings had been conducted.

32. He fully supported the views expressed by earlier speakers with regard to the death penalty in Hong Kong. Although no executions had been carried out in Hong Kong for some 25 years, the death penalty was frequently applied in the People's Republic of China, and it would be better to abolish the death penalty in the territory prior to 1997.

33. Mr. LALLAH asked for statistics on the number of deaths which had been caused by security forces in Northern Ireland and on the number of cases in which the victims had been unarmed. He also asked whether any inquiries had been held to determine whether methods other than deadly force would have sufficed in such cases to arrest suspects or to stop crimes in progress. To date, only one member of the security forces operating in Northern Ireland had been convicted of murder; he had served only two years and three months of a life sentence, and subsequently had been reintegrated into the army. Such a proceeding did not communicate an appropriate message to security forces which were called upon to intervene in civilian situations.

34. Although inquests were held to investigate killings by members of the security forces even when those responsible were not under prosecution, the names of the persons being investigated were not given in the verdicts, members of the security forces were not required to give oral evidence and legal aid was not available to the families of the victims to enable them to take part in the inquests. He asked for further comments on the inquest procedure.

35. With respect to section V (b) of the list of issues, he noted an incident of the previous year in which a non-English-speaking Zairian had arrived in London with, what immigration authorities had concluded to be, forged papers; the Zairian had not been afforded the services of an interpreter. After six days in detention, the suspect had hanged himself; a subsequent inquiry had revealed that he had been severely depressed. Currently there were another 23 Zairians imprisoned in the United Kingdom. There were also reports that asylum-seekers had been imprisoned for long periods of time and that two asylum-seekers had committed suicide in British jails following extended imprisonment. He asked what steps had been taken to prevent such tragedies and what remedies were available to persons detained under immigration powers, and in particular whether persons who had been detained for extended periods could enter actions in court claiming that their rights under articles 6 and 7 of the Covenant had been violated.

(Mr. Lallah)

36. Although the United Kingdom had expressed reluctance to introduce a bill of rights or other piecemeal legislation proclaiming human rights, it was required under article 2 (3) of the Covenant to ensure that effective remedies were available to persons whose rights had been violated. Since the legislature was the remedying authority in the United Kingdom, he asked how the provision for enforcement in article 2 (3c) could be applied.

37. Mr. SADI associated himself with those members who had advanced strong arguments in favour of immediate pre-emptive action by the United Kingdom, in accordance with its obligations under article 6 of the Covenant, to transform the de facto abolition of the death penalty in Hong Kong to a de jure abolition before 1997.

38. Mr. HALLIDAY (United Kingdom) said that with respect to the questions concerning Northern Ireland, it was important to avoid treating every allegation as an established fact. There was not and never had been a policy of shooting to kill on the part of the security forces in Northern Ireland, other than the policy which he had described in his opening statement, which was designed to ensure that officials responsible for maintaining law and order were protected by the law. The Committee members' concerns, rather, had focused on individual incidents in which deaths had been caused by members of the security forces. In reply to Mr. Lallah, he noted that 10 such deaths had occurred in 1990, four in 1989, six in 1988, nine in 1987, six in 1986 and five in 1985; he had no information on whether the victims had been armed. The essential question raised by such incidents was whether unlawful action had been taken in any particular case. Each incident had been fully investigated; in cases involving the Royal Ulster Constabulary, the independent Commission for Police Complaints for Northern Ireland had supervised the investigations. In addition, the evidence obtained had been weighed by the Director of Public Prosecutions, an independent official who could order further inquiries if he was not satisfied with the initial investigation. That procedure had resulted in the institution of criminal proceedings against members of the security forces; the question of guilt or innocence was a matter for the courts to decide according to the normal rules of judicial procedure. As Mr. Wako had noted, disciplinary action could also be taken against members of the armed forces regardless of the outcome of criminal proceedings. All available evidence showed that the security forces had received thorough training on how to react under difficult circumstances. His Government believed that its laws and practices were entirely consistent with its obligations under the Covenant.

39. In reply to Mr. Lallah, he noted that procedures for inquests were different from those for criminal proceedings because inquests were conducted for a different purpose; issues involving witnesses and verdicts were still under scrutiny at that stage. With respect to detentions under immigration powers, only a small proportion (up to 200 at any given time) of the approximately 20,000 persons who were refused entry into the country each year, were detained. Such persons were not normally held in prisons, but in special, less stressful facilities. The unfortunate incidents cited by Mr. Lallah had occurred in such facilities, but steps had been taken to prevent their recurrence: (1) whenever possible, people

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were granted temporary admission instead of being detained; (2) conditions in special detention facilities were kept as congenial as possible; (3) such facilities were thoroughly inspected; and (4) a board of visitors had been established at the facility referred to by Mr. Lallah to hear complaints and, if necessary, to report them directly to the Home Secretary. As noted in paragraph 36 of the supplementary report (CCPR/C/58/Add.12), a new procedure for prisoner complaints had been instituted, and the Government was currently considering the report of Lord Justice Woolf which contained important recommendations on the role of governors and boards of visitors.

40. Mr. STOCK (United Kingdom) said that with respect to Mr. Wennergren's inquiry, he had no information on the number of death sentences imposed in Hong Kong over the previous decade. However, in the period between November 1966 (when the last death sentence had been carried out) and February 1991, the death sentences of 243 persons convicted of murder had been commuted, 53 per cent to life imprisonment and 28 per cent to determinate prison sentences of 20 years or more; he had no details on the remaining commutations. Recently there had been renewed calls for the reintroduction of the death penalty in Hong Kong because of widespread concern over the increase in violent crime. Although the British Parliament was in favour of abolishing the death penalty in Hong Kong, most people in Hong Kong wished to retain it as a deterrent to serious crime, so the Hong Kong Administration did not foresee any change in the policy in the immediate future.

41. In reply to Mr. Wennergren's question concerning the crime victimization survey conducted in Hong Kong (CCPR/C/58/Add.11, paragraph 31), he said that projections based on the survey results indicated that 46 per cent of Hong Kong's adult population felt that the most appropriate treatment of persons sentenced to death was to commute their sentences to life imprisonment, 28 per cent thought such persons should be executed, 21 per cent had no opinion and 3 per cent thought that the death sentences should be commuted to determinate terms of imprisonment. The survey had been confined to persons aged 18 and over. With respect to concerns about the retention of the death penalty in view of the transfer of sovereignty in 1997, the Sino-British Joint Declaration provided that the Hong Kong Special Administrative Region would enjoy a high degree of autonomy and would be vested with executive, legislative and independent judicial power, including that of final adjudication. The laws currently in force in Hong Kong, as well as the judicial system, would remain basically unchanged, so the death penalty would not become applicable to a broader range of crimes unless the Hong Kong Administration decided otherwise. He would, however, convey the Committee's concerns to the Hong Kong Administration.

42. Mr. BEAMISH (United Kingdom) said that his Government had become concerned about the discrepancy between its practice and that of the dependent territories in the Caribbean with respect to the death penalty. Although public opinion in the Caribbean territories tended to favour retention of the death penalty, consultations had been held between those territories and the British Government following the recent reaffirmation by the House of Commons of its support for the abolition of the death penalty. On 28 March 1991, the Secretary of State for

(Mr. Beamish, United Kingdom)

Foreign and Commonwealth Affairs had announced that an Order in Council would be moved to substitute life imprisonment for the death penalty in murder cases in the Cayman Islands, the British Virgin Islands, the Turks and Caicos Islands, Montserrat and Anguilla, and had expressed the hope that Bermuda would follow that example. A referendum conducted in Bermuda in August 1990, in which only 33 per cent of those entitled to participate had done so, had shown that approximately 8,500 persons favoured retention of the death penalty and 2,250 favoured abolition. Although the death penalty would not be abolished in Bermuda in the immediate future, the issue would not be ignored.

43. Mr. MYULLERSON said that he agreed with the views expressed by other Committee members on the death penalty in Hong Kong. It was not for public opinion to decide whether to retain or abolish the death penalty, since even in developed countries, public opinion generally tended to favour its retention. Such matters should be decided by specialists. Although he agreed that many societies were not ready to abolish the death penalty completely, studies conducted in the United Kingdom itself had shown no correlation between crime rates and the applicability of the death penalty.

44. Mr. STOCK (United Kingdom) said that although the survey referred to in the report had been a factor in the Hong Kong Administration's decision to retain the death penalty, he was sure that the Administration had not based its decision on the survey alone. He would, however, take note of the Committee's views on the subject.

45. Mr. WENNERGREN said that it was unclear what means were used to establish that the people of Hong Kong were in favour of the death penalty.

46. Mr. STOCK (United Kingdom) said that, while he had no specific information on that issue, he was aware of the fact that the authorities had taken regular soundings of public opinion over the years, and that they were also able to gauge public sentiment through local bodies.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (article 7 of the Covenant) (section VI of the list of issues)

Liberty and security of the person (article 9 of the Covenant) (section VII of the list of issues)

Treatment of prisoners and other detainees (article 10 of the Covenant) (section VIII of the list of issues)

47. The CHAIRMAN said that sections VI, VII and VIII were interrelated and would accordingly be considered together. He read out section VI of the list of isssues concerning the third periodic report of the United Kingdom, namely: (a) whether there had been any allegations that criminal convictions had been handed down on the basis of confessions obtained under duress and what possible remedies were available; and (b) whether regulations had been adopted to abolish corporal punishment in all schools.

(The Chairman)

48. He then read out section VII of the list of issues, namely: (a) the apparent discrepancy between the indication in paragraph 108 (d) of the report that a detainee must be brought before a magistrate's court and charged within 96 hours of his arrest and the statement in paragraph 109 (e) of the report that detention periods were subject to the sanction of the court after 36 hours; (b) whether legislation similar to the Police and Criminal Evidence Act 1984 had come into operation in Northern Ireland; (c) whether ex gratia payments to persons who had been detained in custody resulted from an enforceable right to compensation in the sense of article 9 (5), of the Covenant; and (d) whether suspects systematically underwent a medical examination or could themselves request such examinations.

49. Finally, he read out section VIII of the list of issues, namely: (a) whether the planned review of prison rules and standing orders in Northern Ireland had been completed and, if so, whether any of the changes adopted in the rest of the United Kingdom had been incorporated in such rules; (b) information concerning proposals for further legislation that might have been made since the submission of the report regarding resort to community-based measures in lieu of prison terms for young adult offenders as well as for improving the operation of the parole system; (c) whether offenders in Northern Ireland other than those accused of terrorist-type offences were eligible for parole and, if not, why they were denied benefits available in other parts of the United Kingdom; (d) information on the provision and use of secure accommodation for children and on the number of children in such accommodations and the relative proportions of convicted youngsters and others in the various secure units; and (e) whether there had been any studies regarding the extent to which the prison system guaranteed the realization of the aim of reformation and social rehabilitation stipulated in article 10 (3), of the Covenant.

50. Mr. HALLIDAY (United Kingdom), referring to section VI (a), said that, while allegations of serious ill-treatment aimed at obtaining confessions had occasionally been made, they had been very rare in recent years. If the allegation was made in the course of a criminal trial, the matter was decided during the trial itself, and if upheld, such statements were not admitted as evidence. They could also be reviewed on appeal, but even after the failure of an appeal remedies were available through civil proceedings or complaint procedures. In addition, the Home Secretary could refer a case back to the Court of Appeal for reappraisal. A wide-ranging programme of measures to prevent ill-treatment of suspects had been introduced in recent years, mostly under the Police and Criminal Evidence Act; safeguards detailed in the report included the tape-recording of interviews, which was soon to be mandatory, and the assignment of custody officers to supervise the questioning of suspects. Some specific cases of impropriety, and indeed falsification, of statements had been referred back to the Court of Appeal, and the convictions thus obtained had been quashed. In order to ensure the quality of evidence the Government had set up a Royal Commission on criminal justice to supplement the provisions of the Police and Criminal Evidence Act and to reduce the likelihood that evidence would not be sufficiently scrutinized.

(Mr. Halliday, United Kingdom)

51. Referring to section VI (b), he said that corporal punishment had been abolished for all publicly-funded schools and publicly-funded pupils in independent schools. For privately-funded pupils at independent schools the Government took the view that sanctions in criminal and civil law were sufficient, and that within the law there was room for parental choice. Corporal punishment had also been abolished in local authority homes.

52. Turning to section VII (a), he said that 96 hours was the maximum period for which a person could be detained in connection with a serious arrestable offence without charge, even with the authority of a magistrate's court. The maximum period for which a person could be detained without charge for such an offence on the authority of a police officer (of at least the rank of superintendent) was 36 hours, while the maximum for an offence which was not a serious arrestable offence was 24 hours. In that connection, the words "a further" in the second sentence of paragraph 108 (d) of the United Kingdom's third periodic report (CCPR/C/58/Add.6) were misleading and should not have appeared.

53. Referring to the question in section VII (b), he said that the Northern Ireland Police and Criminal Evidence Order did not deal with police complaints, but that appropriate provisions were contained in the Police (Northern Ireland) Order 1987. However, some provisions of the Police and Criminal Evidence Order did not apply to persons detained under the terrorism provisions. The Northern Ireland Police and Criminal Evidence Order also took account of separate provisions made for terrorist cases in the emergency provisions legislation.

54. With regard to section VII (c), he said that there was no provision in United Kingdom law for an enforceable right to compensation in respect of arrest or detention which was lawful under United Kingdom law but which was inconsistent with article 9 of the Covenant. A requirement that there should be such an enforceable right in domestic law would mean that the State had either to incorporate the Covenant (or that part of article 9) as part of its domestic law, or make equivalent provision in its domestic law. That would appear to go much further than a State's obligations in relation to the Covenant and, in particular, article 2 (2), which allowed a State to choose between legislative and other measures to give effect to the rights recognized in the Covenant.

55. Concerning the medical examinations referred to in section VII (d), he said that safeguards were contained in the Codes of Practice. A custody officer had a duty to call a police surgeon immediately if he saw a need to do so, and did not have to wait for a request. At the same time, any request must be acted on as soon as practicable, except in Northern Ireland terrorist cases, where the custody officer had some discretionary authority. If the case involved a possible assault, a police surgeon must be called.

56. Turning to section VIII (a), he said that the review of prison rules and standing orders in Northern Ireland was currently in progress, and would be the subject of a statutory order.

(Mr. Halliday, United Kingdom)

57. In connection with section VIII (b), he said that the Criminal Justice Bill currently before Parliament contained a major programme of reform, and provided a new framework for sentencing in England and Wales based on the seriousness of the offence. Longer sentences were envisaged for violent and sexual crimes, and greater scope given to punishment in the community through a combination of probation, community service and curfew orders. In future, fines would be more closely based on the ability to pay and more strictly enforced. The proposed legislation was accompanied by programmes aimed at preventing the unnecessary use of remand in custody through the funding of young adult offender schemes and the expansion of hostel accommodation. The Criminal Justice Bill also incorporated a major reform of the parole system, providing for supervision in every case after a prisoner was released. The probation service would be expanded, focusing more closely on more serious offenders with the aim of enabling them to dissociate themselves from criminal activity.

58. Referring to section VIII (c), he said that, as paragraph 134 of the report (CCPR/C/58/Add.6) made clear, it was extremely difficult to operate an effective parole system when a high proportion of offenders had committed terrorist crimes. Further details regarding remission were given in paragraph 170 of the report.

59. In connection with section VIII (d), he said that secure accommodation for children was provided in a variety of ways. As of 31 March 1989, local authorities provided 288 approved places in 35 secure units in England and Wales: of the 224 juveniles occupying places in those units, 60 per cent had either been convicted or were on remand. However, the criterion for placement was not the commission of a criminal offence but the need to protect the child from injuring himself/herself or others. Mention should also be made of two special secure youth treatment centres, with some 70 places and a very highly qualified staff. As of 31 December 1990, 41 of those places were occupied by children convicted and sentenced for serious offences. In prison establishments as of 30 June 1990 there were 275 sentenced juveniles and 111 juveniles on remand: legislative measures had successively reduced those numbers over the years, and the juveniles were kept apart from adult offenders as much as possible. It should be pointed out that secure accommodation was only to be used when the statutory criteria were met, and efforts were made to ensure that the juvenile could be sent back to non-secure accommodations at the earliest opportunity.

60. Turning in conclusion to section VIII (e), he said the Government was funding a continuing research programme on reform and rehabilitation. As in other countries, research in the United Kingdom had been influenced by negative reports on the effectiveness of intervention, but some studies had shown that intervention could work on occasion, if properly targeted and managed. It was recognized that earlier approaches had been too general and too indiscriminate, and that programmes must be tailored to the needs of specific groups. Accordingly, projects had been evolved for monitoring intensive probation, the aim being to confront the underlying causes of serious offences. However, the effectiveness of such programmes could not be measured merely by reconviction rate. Attention was also being paid to the problem of sexual offenders and the need for continuity between prison and after-care.

61. Mr. LALLAH, referring to section VI (b), said that he could not see the logic of invoking the sanctions of criminal and civil law in respect of corporal punishment of privately-funded pupils in independent schools and asked whether the same standards should not apply to all pupils in all schools.

62. With further reference to section VI, he wondered why prosecutions for torture required the approval of the Attorney-General if there was an independent Director of Public Prosecution.

63. The CHAIRMAN said that members would submit further questions on the third periodic report of the United Kingdom at the Committee's next meeting.

The meeting rose at 6.05 p.m.